

June 3, 2022

VIA ECF

The Honorable Sarah L. Cave
 United States District Court for the Southern District of New York
 500 Pearl St.
 New York, NY 10007

Catherine McKoy, et al. v. Trump Corp., et al., 1:18-cv-9936 (LGS)

Dear Judge Cave:

The parties submit this joint letter pursuant to the Court's May 18, 2022 Order, ECF No. 424 (the "Order"), which followed a conference held on the same date concerning certain discovery motions concerning depositions and Defendants' discovery obligations.

As an initial matter, in accordance with the Order, Plaintiffs wrote to Defendants the day after the conference, May 19, informing Defendants that Plaintiffs were narrowing their list of witnesses Plaintiffs intend to depose in light of the Court's guidance with respect to a 105-hour limit, and identifying the *Celebrity Apprentice* episodes associated with Plaintiffs' request for certain compensation information. Plaintiffs followed up on May 24 with a list of specific witnesses and hour allocations, and requested times to meet and confer. The parties then met and conferred twice, on May 26 and June 1, respectively. The parties also have continued to correspond by email. The parties are working collaboratively to resolve any remaining issues in accordance with the Court's Order and guidance at the May 18 conference, as set forth more fully below.

First, pursuant to paragraph 1 of the Order, the parties provide the following update with respect to the witnesses Plaintiffs intend to depose. Plaintiffs provided to Defendants the following list of witnesses that Plaintiffs intend to depose, with time estimates within the Court's guidance with respect to a 105-hour limit; Defendants have agreed to this list and to these time allocations, with the exception of the "Celebrity Apprentice Contestants" (*see infra*) whose names Plaintiffs have yet to provide for Defendants' consideration:¹

Deponent	Hours
Donald J. Trump	7
Donald Trump, Jr.	7
Eric Trump	7
Ivanka Trump	7
The Trump Corporation 30(b)(6)	10
Rhona Graff	7
Cathy Glosser	5
Amanda Miller	5
Meredith McIver	5
Lynne Patton	5

¹ Plaintiffs note that we will provide Defendants with the names of these non-party witnesses as we serve deposition subpoenas, in accordance with applicable rules. Plaintiffs further note that the time allocations listed above total 100 hours, as Plaintiffs intend – and the parties have agreed – to reserve five hours to allow for appropriate adjustments and flexibility.

Hope Hicks	3
ACN Opportunity LLC 30(b)(6)	7
Anne Archer Butcher	7
Yvette Blair-Foster (deposed Feb. 2020)	3.6
Philip Kirkwood (deposed Feb. 2020)	2.4
Celebrity Apprentice Contestants	12

Defense counsel have confirmed that they will represent and produce all of the current and former Trump Organization employees, other than Ms. Hicks and Ms. Glosser, whom they expect, but have not yet confirmed, they will represent as well. The parties have discussed the scheduling of these depositions and expect to take a significant number of them in June and July. The parties also have discussed a rough sequence, and have identified certain witnesses who can be deposed now and others whose depositions should be taken later, following production and receipt of certain additional documents and information. Defendants previously provided deposition dates for the witnesses, which dates have now lapsed, and expect to provide additional dates soon. The parties are optimistic that we will have a number of agreed-upon dates by the time of the conference scheduled for next week.

Second, pursuant to Paragraph 2.a of the Order, Plaintiffs identified the two relevant *Celebrity Apprentice* episodes on May 19. Defendants are still investigating compensation related to these episodes, see Order ¶ 2.b.i, and the parties are discussing whether some compensation information can be provided, in part, through deposition testimony and/or requests for admission.

Third, pursuant to Paragraph 2.b.ii of the Order, Defendants informed Plaintiffs on June 1 that they believe records exist that will enable them to provide a list of donations received by the Eric Trump Foundation (“ETF”) from ACN entities between 2013 and 2017. Plaintiffs clarified that, in light of evidence indicating that ACN co-founder Robert Stevanovksi and his wife made certain donations to ETF, and that Defendants sent or received relevant communications concerning those donations, all donations from the Stevanovskis should be included in the information to be produced by Defendants. Defendants are still considering whether such additional request is appropriate.

Fourth, pursuant to Paragraph 2.b.iii of the Order, Defendants are investigating whether they possess “transcripts of sworn testimony (i) given by individuals who will be deposed in this action, (ii) as part of legal actions or investigations relating to allegations of consumer fraud, including in connection with Trump University, and (iii) that occurred since 2015.” On June 1, Defendants identified two potentially responsive transcripts to date—both depositions of Donald J. Trump in civil lawsuits against Trump University. As those were the transcripts that Plaintiffs already identified at the May 18 conference, Plaintiffs expressed concern about the parameters of Defendants’ search, and the parties are continuing to meet and confer concerning this issue.

We look forward to the conference scheduled for June 8, and are continuing to work collaboratively so that we can report concrete progress on all of these issues by that time.

Respectfully submitted,

/s/ Roberta A. Kaplan

Roberta A. Kaplan
John C. Quinn

KAPLAN HECKER & FINK LLP
350 Fifth Avenue, 63rd Floor
New York, New York 10118
Telephone: (212) 763-0883
Facsimile: (212) 564-0883
rkaplan@kaplanhecker.com
jquinn@kaplanhecker.com

Andrew G. Celli, Jr.
Matthew D. Brinckerhoff
O. Andrew F. Wilson
David Berman
Nick Bourland

EMERY CELLI BRINCKERHOFF ABADY WARD &
MAAZEL LLP
600 Fifth Avenue at Rockefeller Center
New York, NY 10020
Telephone: (212) 763-5000
acelli@ecbawm.com
mbrinckerhoff@ecbawm.com
awilson@ecbawm.com
dberman@ecbawm.com
nbourland@ecbawm.com

Attorneys for Plaintiffs

/s/ Peter T. Shapiro

Peter T. Shapiro

LEWIS BRISBOIS BISGAARD
& SMITH LLP
77 Water Street
Suite 2100
New York, NY 10005
Peter.shapiro@lewisbrisbois.com

Clifford S. Robert
Michael Farina

ROBERT & ROBERT PLLC
[526 RXR Plaza](http://526RXRPlaza)
Uniondale, New York 11556
Telephone: (516) 832-7000
crobert@robertlaw.com
mfarina@robertlaw.com

Attorneys for Defendants

Alina Habba

HABBA MADAIO & ASSOCIATES LLP
1430 U.S. Highway 206, Suite 240
Bedminster, NJ 07921
Telephone: (909) 869-1188
ahabba@habbalaw.com

*Attorneys for Defendant Donald J. Trump,
in his personal capacity*